

7/14  
22

**Selectmen's Minutes**  
**June 23, 2003**  
7:00 P.M.

Present: Walter Foster, Peter Ashton, Trey Shupert, F. Dore' Hunter, Robert Johnson, Town Manager and Assistant Town Manager. Meeting was televised.

**CITIZEN'S CONCERNS**

Mr. Mortiz resident of Wetherbee Street spoke about the East Acton Village Planning Committee. He noted that there two members who are not residents of the Town but are owners of property in the East Acton Village which represents a big vested interest. He feels that they are sitting in on the committee and he feels that there is a hidden agenda.

Karen Jack explained to the Board that the sewerage water readings were doubled and they found out that they had a leaky toilet, which had been leaking all winter. Walter said that after staff reviews it he would bring it back on the agenda for July 14, 2003.

**SEWER COMMISSIONER'S BUSINESS**

**RATE SETTING FOR JUNE 2003 - TREY SHUPERT** - Moved to set the June 03 Rate at .01530 per gallon and to extend rate subsidy for three months. **DORE' HUNTER** - Second. **UNANIMOUS VOTE**

**PUMP STATION COMMUNICATION EQUIPMENT** – Don outlined the situation with Verizon and the large cost of the project. They fought with AT&T now Comcast which will enable us to communicate from our network at substantial savings.

**PUBLIC HEARINGS & APPOINTMENTS**

**SITE PLAN SPECIAL PERMIT #11/18/98-366 – ACTON ASSISTED LIVING PHASE II**

George from Stamski and McNary presented the Phase II plan. This is the third time they have presented this phase. They wish to expand by 45 town houses and a new access to Main Street and Eastern Road is planned. Peter felt we should follow what ACHC wanted and they said 3 smaller units were adequate. The walking paths will also be included. Trey asked about Garry's memo of June 13 with two outdoor lights that need to be removed. Trey asked about the plan modifications and the need to continue if he had a problem with Garry's requests. George said that he was agreeable to the changes noted by Garry. Bob asked about the Rail Trail and possible second access. George said that the residents did not want to provide public access to the trail but it is provided for the residents. Walter also wanted to know if the notification about the gun club was being done.

Lucy, a resident wanted to let the Board know that the septic smells and water quality is poor.

**TREY SHUPERT** - Moved to close the hearing and take under advisement. **DORE' HUNTER** - second. **UNANIMOUS VOTE**

## **SITE PLAN SPECIAL PERMIT #03/29/03-389 – 816 MAIN STREET, PITTERINO**

George from Stamski outlined the wish to raze the building and to have a personal storage facility built in its place. Walter asked about sprinklers in the two larger building and the other two do not require them. They would prefer not to provide any additional costs to the building of the project. Walter asked about time restrictions. They will heed any suggestion if the board feels it is required. Bob Johnson asked about locked gates. Trey noted the concerns of the neighborhood have been satisfied. Dore' thanked them for the modifications to the plan that were suggested by staff. Dore' noted that we did not have time regulations on the other two facilities in Town. He felt it would be an unfair advantage if this site were the only one with such a restriction. DORE' HUNTER - Moved to close the hearing and take under advisement. PETER ASHTON – Second. UNANIMOUS VOTE

**BETTINA NORTON – QUARRY ROAD PARKING ISSUES** – She has come to the Board about the parking on her street. She feels they need permanent signage that say “No Parking” on one side as well as “Violators will be towed” signs. DORE' HUNTER - Moved to have the signage installed and give notice to the public through the Traffic Rules and Orders manual and to be active about the enforcement. BOB JOHNSON- Second. – UNANIMOUS VOTE

## **SELECTMEN'S BUSINESS**

### **COMMITTEE REAPPOINTMENT LIST**

Trey wanted to keep the Personnel Board on the list. Dore' felt we should have the Manager or HR Director bring forward the candidates. Don said we needed to look in to Charter issues.

DORE' HUNTER – Moved to reappoint the Boards, Committees and Commissions except for Board of Health, CPA and Personnel Board as recommended in the memo of June 18, 2003 from staff – TREY SHUPERT. Second. UNANIMOUS VOTE

It was noted that we could now strike the HDC Bylaw committee from the Master Committee List.

DORE' HUNTER - Moved to appoint Hong An to the HDC Regular Member, and to appoint Ann Forbes as the Alternate with expirations of 6/30/06. PETER ASHTON – Second. UNANIMOUS VOTE

**SIGN REQUEST FROM OAR** – PETER ASHTON - Moved to approve. DORE' HUNTER. Second. UNANIMOUS VOTE

## **ELLSWORTH VILLAGE 40B COMPREHENSIVE PERMIT PROPOSAL**

Do the Selectmen want to comment on the 40B project for Ellsworth Village. Betty McManus suggested we notify the Housing to let them know we will be addressing our comments at the next Board meeting on the 14<sup>th</sup>.

**MORTTS SHOE** – Request for representative of Board of Selectmen for the ribbon cutting ceremony some time in August. Walter will attend.

**PUBLIC SAFETY FACILITIES BUILDING** - Dore' spoke about the urgency to get the estimate and get the bids and specs on the streets. He said that it looks as if the economy is coming back and we would like to get this going before the upswing.

Trey noted that he agreed with Dore' Trey did not want to have an assumption by the architect made about the money items.

Peter too agreed with Dore'. He noted we said no add ons if we come in under budget that we don't spend above necessary proposed costs.

Peter did not feel we needed to go back to a Special Town Meeting. He also spoke about the bids getting out and that we are confident and that we can solve the issues of Soft costs. It is the prime time to get bids. Future of the Steering Committee in an over site roll to assist staff was discussed.

Trey noted that Peter's point was generated by the school bids. We wanted to avoid having the costs coming in at 6.2 million with the left over 2 million that we not add things back in.

Walter said that it was as simple as we voted \$6.4 million and that if it came in lower we would not add on consistent with discussions on Town meeting floor.

Trey noted the quality of the work that Brian Hume brings and feels we will have a challenge at bringing it in under the 6.4

TREY SHUPERT - Moved we reclarify our position on the public safety facility appropriation and we will try to bring it in under \$6.4 and no money left over is added to the Facility. PETER ASHTON – Second.

Peter Ashton, Trey Shupert, Bob Johnson – Walter Foster Yes, Dore' Hunter, No.

Continuing Steering Committee over site role -. Dore' suggested that they continue in the over site position.

Art Gagne' would continue to work with the Dispatch Committee.

Dean thought it was helpful to continue with the Steering Committee except that the committee not vote on change orders. Trey noted his service on the sewer action committee and they did not vote on Change orders. He felt a monthly report would be advised.

### **COPS GRANT AWARD COPS (Schools)**

Walter wanted to bring it back for a reconsideration vote at the next meeting. He has questions about the grant and wanted to have questions answered before he could support. He would like to have a chance to revisit it. The strings attached concerned him about no layoffs and the potential costs. He wanted a motion to delay. Peter said we should reconsider he felt that the Schools should be involved since it serves them. He suggested a hold harmless from the Schools as they get the benefit and we take the

risk. Walter asked that the Chief have the chance to respond. Don noted that we need to find out about back filling.

### **PRIVATE WAY PLOWING**

Walter discussed the revised petition items added to the conditions. Dore' moved to approve with examples included. TREY SHUPERT – Second.

### **OTHER BUSINESS**

None

## **CONSENT AGENDA**

TREY SHUPERT – Moved to approve the Consent Agenda – DORE' HUNTER - Second. UNANIMOUS VOTE.

## **TOWN MANAGER'S REPORT**

**MIDDLESEX RETIREMENT SYSTEM** – Don updated the Board on the PERAC meeting. He said it was a terrible meeting, they could not hear and it was oppressively hot. The Retirement Board did not attend but sent their lawyer. No questions were allowed to be asked. He said Don Marquis wanted a summary of what was going on. He questioned them about how long it would take to analyze and they replied would take 6 months.

**NEW STREET LIGHT – COBURN DRIVE - PETER ASHTON** – Moved to deny the request. DORE' HUNTER – Second. UNANIMOUS VOTE

PETER ASHTON – Move in the words of the motion. DORE' HUNTER –Second. UNANIMOUS VOTE;

### **Motion**

Pursuant to G.L. c. 30B, §16, c. 60, § 77B, and c. 40, §§ 3, 14, 15, and 15A, and Article 41 of the Acton Annual Town Meeting of April 2, 2001, the Board of Selectmen as custodian of a landlocked parcel of Town-owned property shown as Parcel 9 on Assessor's Map D-4, which was taken for taxes by the Town's Collector of Taxes by Instrument dated September 18, 1946, recorded in the Middlesex South Registry of Deeds at Book 7048, Page 588, on September 19, 1946 (the "Property"), finds and moves as follows:

### **WHEREAS:**

1. The Property is no longer required for public purposes; and
2. By more than two-thirds vote on Article 41 of the Acton Annual Town Meeting of April 2, 2001, the Town authorized the Board of Selectmen to "sell, trade or otherwise dispose of a certain parcel of land shown on Assessors Maps as Parcel 9, Map D-4 and that the minimum value to be received shall not be less than the appraised value of the property."

NOW THEREFORE:

The Board hereby authorizes the Town Manager to issue a Request for Proposals ("RFP") substantially in the form attached to this Motion to seek competitive proposals for (a) the disposition of the Property; and (b) the acquisition of land, determined by competitive proposals in response to the RFP, which is listed on the Town's Open Space and Recreation Plan 2002-2007 for Non-Chapter 61 property or Chapter 61 property and which involves significant advancement of specific purposes of the Town's Master Plan with respect to open space in the Town of Acton as set forth in the RFP.

Acceptance of any such offer made in response to the RFP shall be subject to further vote of the Board and, to the extent required by law, of Town Meeting.

## **EXECUTIVE SESSION**

DORE' HUNTER – Moved to go into Executive Session to discuss disposition and acquisition of real estate and pending or threatened Litigation and to return into regular session. PETER ASHTON – Second UNANIMOUS VOTE ROLL CALL TAKEN, ALL AYES.

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Christine Joyce  
Recording Clerk

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Clerk

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Date

## **Executive Session June 23, 2003**

**Middlesex Retirement Board**– They discussed that we may want to bring litigation. Trey asked for an update to discuss at the next meeting.

**Quail Ridge/Land exchange** - Don updated the Board on what has been transpiring. Don asked if the Board was interested in pursuing this because he wanted to get it on the street.

**Sewer Expansion Feasibility Study** – Doug submitted the request. Don wanted to accept the money and get a study done.

DORE' HUNTER - Move to convene back into regular session. PETER ASHTON-  
Second. UNANIMOUS VOTE.

Christine Joyce  
Recording Clerk

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Clerk

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Date

June 19, 2003

**TO:** Board of Selectmen, Sewer Commissioners

**FROM:** Walter Foster, Chairman

**SUBJECT:** Selectmen and Sewer Commissioners Report

**June 23, 2003**  
**MEETING BEGINS AT 7:00 P.M.**

**I. CITIZEN'S CONCERNS**

**II SEWER COMMISSIONER'S BUSINESS**

1. **RATE SETTING FOR JUNE 2003** – Enclosed please find recommendations and staff comments for Board consideration.
2. **PUMP STATION COMMUNICATION EQUIPMENT** - Enclosed please find staff recommendation in the subject regard, for Board consideration.

**III. PUBLIC HEARINGS & APPOINTMENTS**

3. **7:15 SITE PLAN SPECIAL PERMIT #11/18/98-366 – ACTON ASSISTED LIVING PHASE II**, - Enclosed please find materials in the subject regard.
4. **7:30 SITE PLAN SPECIAL PERMIT 04/04/03-390 – 816 MAIN STREET – PHILLIP PITTERINO -CONTINUED FROM JUNE 2, 2003** -Enclosed please find materials in the subject regard.
5. **8:00 BETTINA NORTON** – Ms. Norton will be in to discuss her concerns/complaint with the parking on Quarry Road.

**IV. SELECTMEN'S BUSINESS**

6. **COMMITTEE REAPPOINTMENT LIST** – Enclosed please find a list of committee and board members that have indicated to VCC that they would like to be re-appointed.
7. **SIGN REQUEST** - Enclosed please find a request from O.A.R. to place a Sign on public property on Concord Road near Ice House Pond, along with staff comment, for Board consideration.
8. **ELLSWORTH VILLAGE 40B COMPREHENSIVE PERMIT PROPOSAL-**  
Enclosed please find a request for comment from the Massachusetts Housing Finance Agency along with several staff comments for Board Consideration.
9. **MORTT'S SHOE** – Enclosed please find correspondence from the Chairman in the subject regard.
10. **PUBLIC SAFETY FACILITIES BUILDING** – Members of the Board have expressed an interest in discussing the status of this project.

11. **POLICE DEPARTMENT GRANT** – The Chairman wishes to discuss the COPS in Schools Grant further.

12. **PRIVATE WAY PLOWING** – Enclosed please find a staff recommendation for additional conditions for Private Way Plowing Petition, as requested by the Board last year, for Board consideration.

13. **OTHER BUSINESS**

## **V CONSENT AGENDA**

14. **SITE PLAN SPECIAL PERMIT #02/19/03-388, AUTOPLEX, 60 POWDER MILL ROAD**, - Enclosed please find the Draft decision in the subject regard.

15. **SITE PLAN SPECIAL PERMIT #03/20/03-389, 25 POWDERMILL LLC, 25 POWDER MILL ROAD** - Enclosed please find the Draft decision in the subject regard.

16. **SITE PLAN SPECIAL PERMIT #04/07/03-391, PEAK PERFORMANCE PARTNERS Inc., 2 CRAIG ROAD** - Enclosed please find materials in the subject regard.

17. **COMMUTER LOT USE** – Enclosed please find a request and staff comment regarding the use of the Commuter Lot to offer fresh fruits on behalf of Roche Bros. on June 25<sup>th</sup> between 4-8:00 P.M.

18. **ACCEPT GIFT** – Enclosed please find a request for acceptance of a Cardio-Check Monitor from Friends of the Acton Nursing Service for Board consideration.

19. **NOTIFICATION OF CULTURAL COUNCIL'S PLANNED EVENING OF JAZZ ON OCTOBER 18<sup>TH</sup> AT THE BOXBORO TOWN HALL**- Enclosed please find materials submitted by the ABCC for Board consideration.

20. **COMMITTEE APPOINTMENT TO COUNCIL ON AGING** – Enclosed please find Mr. Paul A. Turners Volunteer application and VCC's recommendation for his appointment to the Council on Aging with a term to expire June 30, 2004, for Board consideration.

20A. **APPOINTMENTS TO EAVPC** – Enclosed please find a request from the Town Planner seeking reaffirmation of appointments to the EAVPC, for Board consideration.

## **VI. TOWN MANAGER'S REPORT**

21. **MIDDLESEX RETIREMENT SYSTEM** – The Town Manager will update the Board regarding the enclosed materials and the Special Hearing of the Public Employees Retirement Administration Commission (PERAC)

22. **NEW STREET LIGHT – COBURN DRIVE** – Enclosed please find staff comments in the subject regard for Board consideration.

## **VII EXECUTIVE SESSION**

23. We will require an Executive Session – Please see the enclosed materials in the subject regard.

## **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

### **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

**July 14 – Bimini Blues Site Plan – 279 Main St. – Bickford's Request for Full Liquor License.**

**August 14**

**Sept. 8 & 22**

**October 6 and 20**

**Nov. 3 & 17**

**Dec. 1 & 15**

### **GOALS 2002-2003**

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)  
Implement Chairman Round Table - (Trey) *(for Dec/Jan)*  
Revisit 2020 Planning Process for direction to make this process more beneficial towards  
Implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) *(PCRC EDC – Continuing to meet)*
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) *(Peter still working on getting comments from Water District.)*
8. Decision on Pentamation Accounting System (Dore'/Peter) *(Proposals are being looked at by staff)*
9. Process Planning for "Life after NESWC" (Pam/Peter) *(John Murray is looking at this)*
10. Joint IT process-organizational change (Walter/Dore') (
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) *(ALG put plan in place A/B)*
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) *(Need to look at budget)*  
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) *(Need to look at budget override for Operating budget)*
13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

### **GOALS carried forward**

16. Public Safety Facility (Dore'/Trey)
  17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) *(No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions)*
- Goals 2003-Selectmen folder**